

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONICA WYNIA.

Plaintiff,

V.

NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

Defendant.

CASE NO. 3:17-CV-5783 JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed Before a United States Magistrate Judge, Dkt. 2.). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 22.).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 22), the attorney declaration and time and expense itemizations (Dkt. 22-1, 22-3), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$2,389.57

1 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct.
2 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for
4 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
5 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
6 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
7 be made payable to Victoria B. Chhagan, based on plaintiff's assignment of these amounts to
8 plaintiff's attorney (see Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees,
9 Dkt. 22-5). If there is an offset, the remainder shall be made payable to plaintiff, based on the
10 practice of the Department of the Treasury (see, e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any
11 check for EAJA fees shall be mailed to plaintiff's counsel, Victoria B. Chhagan, at Douglas
12 Drachler McKee & Gilbrough, 1904 Third Avenue, Seattle WA 98101.

13 Dated this 25th day of July, 2018.

14 
15

16 J. Richard Creatura
United States Magistrate Judge
17
18
19
20
21
22
23
24